UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25139
22 January 1993

ORIGINAL: ENGLISH

LETTER DATED 22 JANUARY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the letter of His Excellency Mr. Dobrica Cosić, President of the Federal Republic of Yugoslavia, regarding the attack of the Croatian forces on the United Nations protected areas.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

Letter dated 22 January 1993 from the President of the Federal Republic of Yugoslavia addressed to the President of the Security Council

It is my duty to inform you of the armed attack of the Army of the Republic of Croatia on the territory of the Republic of Serbian Krajina, which is under the protection of the United Nations Protection Force (UNPROFOR).

Today, at 7.05 a.m., a forceful artillery preparation was launched from arms of all calibres, multiple rocket launchers and tanks, after which combined infantry and tank forces started the attack in three directions: Starigrad - Obrovac, along the ridge of the Velebit mountain; from Zadar towards Zemunik and Benkovac; and towards Maslenica - Zemunik. A strong sabotage-terrorist group infiltrated the region of Alan saddle on Velebit. Helicopters and fixed-wing aircraft of the Croatian Army are carrying out the reconnaissance of the area of operations, while new infantry and armoured-mechanized units are being brought in from the direction of Split. Artillery 130 mm ordnance, ready to strike at Knin, is deployed in the region of Pakovo Selo.

Already in the first conflicts the forces of the Republic of Serbian Krajina, resisting enemy attacks, have suffered losses. One UNPROFOR building near Maslenica has been hit.

This attack represents a flagrant violation of the Vance Plan for the establishment of the United Nations protected areas. The attack was carried out in a way that not only violates the achieved agreement, but also directly threatens the UNPROFOR forces in the field.

Such an act seriously jeopardizes the already fragile cease-fire in this area, and threatens the flare-up of conflicts and their extension to broader areas, from the hinterland of the Republic of Serbian Krajina to the territories of the former Republic of Bosnia and Herzegovina.

The consequences of such an attack can only be extremely negative for the current efforts exerted by the participants in the Geneva Conference towards establishing a lasting and just peace in the overall territory of the former Socialist Federal Republic of Yugoslavia, and particularly in Bosnia and Herzegovina.

The Federal Republic of Yugoslavia is committed to observing the Vance Plan, and that is exactly what it is doing. However, the armed attacks of the Army of the Republic of Croatia threaten the Serbian people in the Republic of Serbian Krajina, which is under the protection of UNPROFOR. The Federal Republic of Yugoslavia has both the right and duty to protect the Serbian people, which it will undoubtedly do, if UNPROFOR fails to do so.

The actions of the Army of the Republic of Croatia represent a classical example of aggressive behaviour and violation of agreements reached under the auspices of the Security Council, and therefore require the urgent action of the Security Council to halt the armed attacks, protecting the Serbian people in the Republic of Serbian Krajina and the United Nations forces, which are also exposed to these attacks.

I kindly ask you to immediately inform all members of the Security Council of this new development and to convene the Security Council, in order for it to make appropriate decisions in this respect.

Dobrica COSIĆ
President

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FURTHER REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ANGOLA VERIFICATION MISSION (UNAVEM II)

INTRODUCTION

1. The present report is submitted in response to paragraph 9 of Security Council resolution 793 (1992) of 30 November 1992, which requested the Secretary-General to:

> "submit to it by 31 January 1993 a further report on the situation in Angola, together with his longer-term recommendations for the further role of the United Nations in the peace process, which should be clearly defined in scope and time and based on a wide degree of support in Angola."

I. POLITICAL AND MILITARY DEVELOPMENTS

2. Following Mr. Savimbi's withdrawal from Luanda to Huambo in October 1992 and the events of 31 October to 1 November 1992, there was no direct contact between the União Nacional para a Independência Total de Angola (UNITA) and the Government. As a result of meetings which my Special Representative had with Mr. Savimbi on 24 November 1992 and with President dos Santos the following day, agreement was reached to hold the first high-level encounter between both sides since the last meeting of the Joint Political-Military Commission (JPMC) on 31 October 1992. The United Nations Angola Verification Mission (UNAVEM) organized this meeting in Namibe, on 26 November 1992, and provided helicopters to transport the UNITA delegation there from Huambo.

3. The meeting took place in a good atmosphere and succeeded beyond expectations. The two delegations agreed quickly on a six-point agenda, embracing the implementation of the Peace Accords; the future United Nations mandate; the remodelling of JPMC; conditions for participation of UNITA deputies in the new Parliament and of UNITA members in the new Government of National Reconciliation and Unity; release of UNITA leaders held by the Government and hand-over of corpses; and the holding by UNITA of a meeting of

its Political Commission. The meeting also published a joint declaration, reconfirming both sides' adherence to the Peace Accords and calling for the effective application of the cease-fire in all parts of the country, the immediate cessation of offensive movements and the extension and strengthening of UNAVEM's mandate. On the latter point, it was further agreed that both sides would submit a joint list of tasks to my Special Representative by 29 November 1992, and that they would meet again the following week to take up the other items on the agenda. I issued a statement welcoming this development, as did the Security Council in paragraph 3 of its resolution 793 (1992) of 30 November 1992, while at the same time urging the Government and UNITA "to take immediate and effective actions in accordance with the declaration".

4. This apparent breakthrough was short-lived. On 29 November 1992, UNITA troops occupied Uige, the capital of the province of the same name, as well as the neighbouring town of Negage, the site of an important air-base. During the fighting, the UNAVEM camp was caught in cross-fire and a United Nations police observer, Sergeant Adilson Barbosa Costa (Brazil) was killed. In my statement at the Security Council's informal meeting on 30 November 1992, I deeply deplored these serious violations of the Peace Accords and appealed strongly to both parties to cease hostilities and to seek a peaceful solution to the crisis through dialogue. On the same day, Mr. Savimbi telephoned my Special Representative to express regret over the observer's death and UNITA's military action in Uige and Negage, which he said had been undertaken by his commanders without his authority. He promised that UNITA would immediately withdraw from these areas, in order to try to save the process of dialogue begun in Namibe. UNITA confirmed this intention officially to the Foreign Minister of Angola on 1 December 1992.

5. Efforts to bring this about and restore the situation to that prevailing on 29 November 1992 consumed a significant part of UNAVEM's time and energies during the succeeding weeks. The Government rejected an initial proposal that a joint delegation of the Government, UNITA and UNAVEM, in traditional JPMC mode, should go to Uige to supervise and verify the withdrawal, insisting that UNAVEM alone should be responsible for certifying that the operation had been fully completed. UNAVEM facilitated direct communication between the two sides through its radio network and transported and accompanied senior UNITA military officers to Uige. Three visits were made there, on 4, 17 and 21 December 1992. The Government had indicated its intention to join the last two but, in the event, did not do so. General Dembo, the newly appointed Vice-President of UNITA, stayed on in the region after the last of these visits in order to supervise the withdrawal personally. A persistent problem arose from the Government's insistence that UNAVEM must guarantee that no UNITA troops remained in the two towns, an impossible task given the small strength of the UNAVEM teams monitoring the withdrawal *in situ* and the facility with which military personnel could disguise themselves in civilian clothing. Eventually, on 27 December 1992, the Government sent 2 officers and about 200 troops of the new Angolan Armed Forces (FAA) to satisfy themselves that the withdrawal was complete and prepare the reinstatement of government administration. Arrangements were made to count, on 31 December 1992, the

UNITA troops which had withdrawn to two assembly areas nearby, with UNAVEM verifying the count, an additional government condition for resolving the crisis. At the last moment, however, UNITA refused to let this operation proceed, alleging that its troops had been attacked by FAA three times as they withdrew and that General Dembo's motorcade had been ambushed near Uige. This episode is recounted at some length to illustrate the difficulties UNAVEM has faced in getting the two sides to cooperate with it in implementing even simple local agreements.

6. Meanwhile, the situation in other parts of the country had become increasingly tense. UNITA extended its hold over more municipalities, including two provincial capitals, Caxito and N'dalatando: by 3 January 1993, before the current bout of hostilities began, it had occupied 104 municipalities, out of a total of 164, compared with 57 at the time of my last report (S/24858); as of 20 January 1993, the number is 105, including another provincial capital, M'banza Congo. Meanwhile, the Government was stepping up its public criticism of UNITA, adopting harder positions and making preparations to retaliate militarily by strengthening its military and police presence in the main cities and distributing arms to civilians. Both sides exchanged accusations and counteraccusations and issued a series of documents stating their conditions for the resumption of political negotiations. In meetings with my Special Representative, President dos Santos and Mr. Savimbi continued to reiterate their commitment to peace and resumed negotiations, but their actions showed them to be on a collision course.

7. Deeply concerned about this rapidly deteriorating situation, I telephoned both leaders on 12 December to suggest that they meet, under my auspices, in Geneva during the last week of December 1992, or alternatively, in Addis Ababa. Mr. Savimbi expressed readiness to accept, but President dos Santos said that, while he was willing to meet Mr. Savimbi, this would have to be in Luanda. I informed the Security Council about this démarche in a letter dated 18 December 1992 (S/24996). Following consultations, the President issued a statement on 22 December 1992 (S/25002), reiterating the Council's appeal for dialogue and respect for the Peace Accords and appealing to both leaders to accept my invitation to a joint meeting at an agreed location.

8. This appeal was not heeded. My Special Representative met with Mr. Savimbi in Huambo on 2 January 1993 and, later the same day, with the Angolan Foreign Minister in Luanda. The suggestion emerged that a meeting take place between the top military leaders on each side. The Government also indicated its intention to proceed to a second Namibe meeting, as early as the following week, as soon as the withdrawal of UNITA troops from Uige and Negage had been verified and they had been counted in their assembly areas.

9. The next day, however, fierce armed clashes broke out in Lubango. This was an unexpected place for large-scale hostilities to erupt, as a Joint Commission of government and UNITA representatives, formed with the help of UNAVEM, seemed to have been successful there in defusing tensions and establishing reasonable relations between the two sides. UNITA, claiming the

Government had started the fighting in Lubango, seized the FAA officers and troops who had been sent to Uige and Negage to resolve that situation. On 4 January 1993, I appealed through my Spokesman to both sides to ensure that there were no further violations of the cease-fire and that the dialogue begun in Namibe was immediately restored.

10. In a meeting on 5 January 1993, President dos Santos reaffirmed to my Special Representative his commitment to resumption of the Namibe talks, provided the Uige/Negage problem could be resolved. He requested new efforts in this regard. However, Mr. Savimbi told Miss Anstee that it was impossible to get his commanders to release the FAA captives, in the light of what had happened in Lubango. The only possibility left was a meeting between military leaders to bring about a cease-fire, to be followed, immediately afterwards, by political negotiations on all the fundamental issues, including the future of UNAVEM. Both sides agreed to this two-tiered approach and efforts then concentrated on finding a mutually acceptable place. I reported these efforts in a letter to the Security Council dated 8 January 1993 (S/25076). The Government preferred Luanda, but this was not acceptable to UNITA. After agreement also proved impossible on a series of other possible venues inside Angola, a compromise was agreed: Addis Ababa, under UNAVEM auspices, at the headquarters of the Economic Commission for Africa (ECA).

11. Arrangements were made by UNAVEM to hold this meeting over the weekend of 16 and 17 January 1993 but, on 14 January, UNITA modified its position, insisting that political talks must take place at the same time as the military meeting and presenting five points for discussion. This was unexpected, as Mr. Savimbi had repeatedly appealed to my Special Representative to organize the military meeting as a matter of urgency and a precursor to political talks. A promised telephone call from Mr. Savimbi to my Special Representative on 15 January never took place, and, despite repeated efforts, she has been unable to contact him since. The meeting therefore remains in suspense as of 20 January 1993. On 17 January, General "Ben-Ben", Chief of FALA General Staff published a communiqué, implying that further negotiations would depend on the outcome of the fighting.

12. In recent telephone conversations with Mr. Savimbi, I strongly impressed on him the need to send UNITA military representatives to Addis Ababa to discuss cease-fire arrangements and, after some consultations, Mr. Savimbi agreed to do so. Meanwhile, on 21 January 1993, the Permanent Representative of Angola hand-delivered to me a letter of the same date from President dos Santos, in which he asked me to recommend to the Security Council that UNAVEM II's mandate be extended in order to ensure full implementation of the Peace Accords for Angola. In his letter, the President emphasized that the escalation of military action throughout the country justified the need to bring UNAVEM's mandate up to date and to strengthen its presence in Angola, according to "modalities to be agreed upon". The Permanent Representative also informed me that on 19 January 1993 his Foreign Minister had sent a letter to Mr. Savimbi in which the Government asserted that it had never excluded the need for a political meeting similar to that

held in Namibe and stated its acceptance of UNITA's "proposal for a political-military meeting" in Addis Ababa. The letter also listed certain basic premises for this meeting to take place. I can only hope that the reaction of Mr. Savimbi to these latest proposals will be positive.

13. The fighting which began in Lubango on 3 January 1993 spread quickly to other provincial capitals and towns, virtually throughout the country: Benguela, Lobito, Namibe, Saurimo, Luena, Kuito-Bie, Huambo, Menongue, Cuito Canavale, M'banza Congo and Soyo. While both sides claimed provocation by the other, there appeared to be a planned offensive to drive UNITA from the main cities. This plan was largely successful in the initial stages, but UNITA obtained control of Cuito Canavale and M'banza Congo and the important oil-producing centre of Soyo, in addition to Caxito and N'dalatando, which, as of 20 January 1993, the Government was still trying to recover. A fierce battle is reportedly still raging for Huambo and the situation in other cities is tense and precarious. As indicated in my report of 25 November 1992, reports persist that civilians armed by the Government have participated in the killings of thousands of UNITA supporters in Luanda and other major cities, while there are also reports of killings of government supporters and officials in the areas controlled by UNITA. These reports, as well as accounts of widespread human rights violations by both sides, further complicate the already tense political and security situation. To all intents and purposes, Angola has returned to civil war, and is probably in an even worse situation than that which prevailed before the Peace Accords were signed in May 1991. The conflict has now engulfed towns and centres of population in a way it never did during the previous 16 years. There are also disturbing but unconfirmed reports that, despite the triple zero provision in the Peace Accords, new supplies of arms may be entering Angola.

14. Meanwhile, the Government has taken measures to set up an administration reflecting the results of the legislative election in September 1992. On 4 December 1992 a Government of National Unity, with Mr. Marcolino Moco (formerly Secretary-General of the Popular Movement for the Liberation of Angola (MPLA)) as Prime Minister, was sworn in. Of 27 ministerial and state secretary posts, one (Minister of Cultural Affairs) was offered to UNITA, together with the vice-ministerial posts of defence, agriculture, public works and social assistance. UNITA accepted these posts and nominated incumbents, but they have not assumed their functions because of concerns about their security in Luanda in the prevailing situation. One ministerial post and six lesser positions were assigned to other parties that had won seats in the Assembly. The new parliament was installed on 26 November 1992 and has had several sessions, but the 70 members from UNITA who won seats have not taken them up, again because of security concerns. In accordance with the Electoral Law, President dos Santos remains as President until the run-off election between himself and Mr. Savimbi can take place. This was supposed to happen within 30 days of the announcement of the results of the first round (i.e. by 17 November 1992) but in present circumstances it is impossible to predict whether or when the run-off election will take place.

15. The widespread fighting and the absence of Government administration in much of the countryside and renewed destruction of an already ravaged infrastructure and transport system have led to widespread hunger and the flight of large numbers of people from towns involved in the conflict, who are now hiding in the bush or have joined the already large army of internally dislocated people in Angola in make-shift refugee camps. Former refugees from abroad who had been encouraged by the peace process to return, now wish to go back to their former places of exile. An already serious humanitarian situation has become catastrophic in many areas and the capacity of international humanitarian agencies, including the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR), to provide assistance has been severely disrupted by the conflict; it is being resumed where and whenever conditions permit.

II. ROLE AND SITUATION OF UNAVEM

16. The crisis that developed after the elections at the end of September 1992, notably the withdrawal of Mr. Savimbi to Huambo and the collapse of JPMC, thrust UNAVEM into a central mediating role. The mission has also had to provide air transport, radio and communications to facilitate negotiations between the Government and UNITA, including between military commanders in combat.

17. The representatives of the three observer countries to the Peace Accords, Portugal, the Russian Federation and the United States of America, which have special responsibilities in the peace process, continued to play an active role and have issued a number of helpful statements. But their role has inevitably been hampered by the difficulties of establishing direct contact with UNITA. Ambassador Jeffrey Davidow, the United States Deputy Assistant Secretary of State for African Affairs, visited Angola in December 1992 and met President dos Santos and Mr. Savimbi. A high-level Organization of African Unity (OAU) delegation, headed by President Robert Mugabe of Zimbabwe, visited Angola in late December 1992 and had extensive discussions with President dos Santos and the Government but was not able to see Mr. Savimbi in Huambo. A subsequent visit to him by representatives of Zimbabwe and Cape Verde, planned for 8 January 1993, to issue an invitation on behalf of their Presidents to a meeting in a southern African location outside Angola, had to be cancelled at the last moment because of deteriorating security in Huambo.

18. Although UNAVEM has thus been cast, de facto, into the role of principal mediator, it too has been seriously affected by the disastrous events of the last six weeks. The suspension of dialogue after the Namibe meeting on 26 November 1992 made it impossible to get the two parties to present their joint list of tasks that they would like an enlarged UNAVEM to perform. My Special Representative accordingly submitted to them on 24 December 1992 a comprehensive discussion paper incorporating the proposals that each had put forward in their own separate papers, and proposing options for compromise in areas where their approach differed. A copy of that paper is annexed hereto.

UNITA has given some comments in reply and the Government is understood to have taken a position on the UNAVEM paper but has not yet made it known to my Special Representative. In any case, it cannot be finalized without a meeting between the two parties.

19. With the outbreak of violent and widespread hostilities, and the collapse at all levels of the joint monitoring mechanisms between the two signatories to the Peace Accords, UNAVEM II's original mandate has become less and less relevant. Even its role of mediating between the parties at the national and local levels has been increasingly limited by the deteriorating security situation, which, combined with uncertainties about the future, has also made it impossible to restore the mission's full strength as proposed in paragraph 61 of my report of 25 November 1992 (S/24858). As of 20 January 1993 the mission has only 247 military observers instead of 350, and 87 police observers instead of 126. The civilian electoral/political observers have also been reduced to a bare minimum of nine, by delaying the return of those who had gone on leave over the Christmas period.

20. At the same time, UNAVEM teams in the field have had to face mounting dangers. As already mentioned, a police observer has been killed in Uige and others have been wounded. UNAVEM's prefabricated tented camps are extremely vulnerable to gunfire and casualties would have been higher had the precaution not been taken of digging slit trenches, in which many observers have had to spend several days and nights consecutively. The dangers have been exacerbated by both sides' public criticism of UNAVEM, which has been held responsible for not having been able to prevent the new conflict - a charge which reveals profound misunderstanding (or deliberate distortion) of the mission's mandate and of the capacity of a handful of unarmed observers to control two large and heavily armed forces. Teams have been driven by hostile crowds from Dundo, a Government-held town, and from many UNITA locations, in one of which two United Nations military observers were badly beaten. Protests have been lodged in each case. In Lubango, a UNITA member of the Joint Commission, who had sought sanctuary in the UNAVEM camp during the fighting, was shot on the spot by government police who took away his two companions; President dos Santos later apologized personally. Similar incidents occurred in N'dalatando and Negage where UNITA abducted a government policeman and members of the joint monitoring commission from the UNAVEM camps. United Nations aircraft have been fired upon, and one helicopter was shot down in Huambo on 30 October 1992, though fortunately without loss of life; the crew was beaten by UNITA.

21. As part of its contingency planning, UNAVEM had prepared a detailed plan for the temporary redeployment or closure of some of its locations and, in the longer term, for a more general withdrawal if circumstances so dictated. In the week of 11 January 1993, however, fighting became so extensive that 45 of UNAVEM's 67 locations, including the Regional Command at Huambo, have had to be evacuated. This was a major logistic operation, effected mainly by air and often under risky conditions. Every effort was made to save as much equipment as possible and to disable remaining vehicles and communications equipment, but much had to be left behind and will be difficult to recover, if and when

the teams return. At least 46 4x4 vehicles, 1 fork-lift truck and 1 water trailer are known to be in the hands of UNITA, many of them taken by force. Withdrawal is continuing from some of UNAVEM's remaining locations, where the situation continues very tense. As a result of these developments, UNAVEM can no longer monitor the course of events adequately, much less try to guide them in the direction of reconciliation and dialogue.

III. LOGISTICS, FINANCE AND ADMINISTRATION

22. The rapid withdrawal dictated by the above-mentioned circumstances from 45 locations (as of 20 January 1993) has resulted in an inventoried loss of approximately US$ 2.7 million for Weatherhaven prefabricated shelters damaged in cross-fire, left behind due to hurried withdrawal or lack of air transport or looted following UNAVEM's departure. Fifty-eight vehicles worth $894,000, 53 generators worth $387,000, a variety of communications equipment worth $688,000 and miscellaneous equipment worth $478,000 have had to be abandoned for the same reasons. Losses to date are estimated to total approximately $5.2 million. No accurate estimate of replacement values can be given without return to the sites, to retrieve worthwhile material and assess whether repair or write-off is the most cost-effective approach. It is not known whether, and if so when, this will be possible. A board of inquiry has been convened to consider these losses. A substantial increase in compensation claims for loss or damage to personal effects is also expected.

23. Abandonment of equipment was usually the result of UNAVEM'S not being able to land C-130 or other large transport aircraft which could extract the vehicles and generators, or sudden heavy fighting which threatened the UNAVEM location and obliged immediate withdrawal with vehicles only. In several places, the forces in control locally, in particular UNITA, refused permission for UNAVEM II to extract equipment. Where possible, and when the security situation permitted, major equipment left behind was disabled by the removal of essential parts.

24. UNAVEM II is currently at phase III of its security plan, with only essential personnel in the country. The security situation of UNAVEM's headquarters site in Luanda is good, but that of the 22 remaining sites still occupied by 84 personnel up-country on 20 January 1993 is a source of concern and further evacuations may be necessary. Sufficient air resources are still available and on 24-hour stand-by to extract UNAVEM II personnel from any site should it be necessary. The major problem is to obtain landing permission from the forces controlling the area in question.

25. UNAVEM continues to assist members of the international community such as the International Committee of the Red Cross (ICRC), Médecins sans Frontières (MSF) and other non-governmental organizations (NGOs), as well as other foreign nationals, to evacuate from up-country locations if time and transport facilities permit. Many requests for such help from foreign consulates have been met, including the airlift of a large number of expatriate personnel from the dam site at Capanda when it was overrun by UNITA and the provision of air

support to the search for those missing. UNAVEM's evacuation of ICRC, MSF and other personnel from places under heavy fire, such as Huambo and Kuito-Bie, almost certainly saved their lives. One United Nations military observer risked his own life in a gallant solo dash through cross-fire in Kuito to rescue MSF personnel.

IV. OBSERVATIONS

26. In spite of strenuous efforts by myself and my Special Representative, with the Security Council's support, the situation in Angola has continued to deteriorate since the adoption of resolution 793 (1992) on 30 November 1992. The civil war has resumed with all that that entails in human suffering and the further impoverishment of a potentially prosperous country. As reported above, it has been impossible for the United Nations to bring about even a cease-fire meeting between the two sides, let alone the sustained political dialogue needed to identify means of putting the peace process back on track and define an enlarged United Nations role that I could recommend to the Security Council. With great regret, therefore, I have come to the conclusion that there is no realistic prospect, in the immediate future, of UNAVEM being enlarged to fulfil the role envisaged in the discussion paper which my Special Representative made available to the two sides on 24 December 1992 (see annex).

27. If that conclusion is accepted, it is necessary to consider how far, if at all, the United Nations should involve itself in further efforts to end the civil war in Angola. It can be argued, indeed government spokesmen have argued, that, by refusing initially to accept the election results and withdrawing its generals from the new Angolan Armed Forces, as well as by its illegal occupation of large areas of the country, UNITA has removed itself from the Bicesse process and must be obliged, by force if necessary, to accept the authority of a duly elected Government. While in no way condoning UNITA's actions in defiance of agreements it has signed, I could not support such a position. What the vast majority of Angolans want, and the international community should assist them in achieving, is earliest peace in Angola and that objective will not be achieved by simply allowing the two sides to fight until one prevails or they again reach a stalemate. The varying fortunes of war have at different times made both sides reluctant to talk, but both the Government and UNITA have stated on numerous occasions that neither side can win a war. The continuing conflict could be prolonged and bloody and, in the end, inconclusive, so that the parties will have to come back to the negotiating table.

28. I accordingly believe that the international community should persist in trying to bring the two sides together, in helping them to reach agreements and in supporting, on the ground, implementation of whatever arrangements they agree on. But I would not recommend that scarce resources again be committed to a substantial field operation until each of the two sides has shown a greater readiness than heretofore to honour the commitments it has solemnly entered into. At the same time it would be necessary for the United Nations to remain more closely involved in the negotiation of arrangements for

completing the peace process than it was in the case of the Peace Accords of May 1991, in order to ensure that the role envisaged for it was feasible. Otherwise the Organization might again find itself being given responsibilities which were not adequate in relation to the complexities of the task or which it would not be able in practice to discharge.

29. Against this background, the Security Council has to take, not later than 31 January 1993, a decision on the future of UNAVEM II. I have identified three possible options which are outlined in paragraph 30 below. All assume that I would continue to have a Special Representative for Angola, who would be based in Luanda with the necessary civilian, military and police staff. The Special Representative's mandate would be essentially that which Miss Anstee has been carrying out since the elections, namely to use the United Nations good offices, in cooperation with interested Member States, to help the two sides to reach agreement on modalities for completing the peace process in accordance with the Peace Accords and, meanwhile, to broker and, within the resources available, help to implement cease-fires at the national or local level. The Special Representative would continue to be in charge of all United Nations activities in connection with the peace process.

30. The three options are as follows:

(a) To maintain UNAVEM II at its current authorized strength (350 military observers, 126 police observers, 83 international civilian staff and 155 local staff) and try to re-establish its deployment as it was immediately after the elections, by stationing military, police and/or electoral observers at 67 different locations (more or less as in the map annexed to my report of 24 June 1992 (S/24145)). The rationale for such deployment would be to recreate the infrastructure needed for UNAVEM II to resume immediately the functions assigned to it under the Peace Accords;

(b) To reduce UNAVEM's provincial deployment to approximately six locations, perhaps along the lines of its current regional structure (regional headquarters at Saurimo, Luena, Mavinga, Lubango, Huambo and Luanda itself) but with adjustments to ensure that it was in the right places on the ground to support the Special Representative's peacemaking efforts. This option would require 75 military observers, 30 police observers and 49 international civilian staff;

(c) To confine UNAVEM II's deployment to Luanda for the present but with the capability to deploy one or two outstations if it became clear that this was required to support the Special Representative's peacemaking efforts and if security permitted such deployment. This option would require 30 military observers, 6 police observers and 28 international civilian staff.

Under option (b) or (c) it would be necessary to decide whether equipment surplus to the requirements of that option should be stored in Luanda, for eventual use by a relaunched UNAVEM operation, or transferred now to other peace-keeping operations, notably the United Nations Operations in Mozambique (UNOMOZ).

31. In evaluating these options, the Security Council will wish to bear in mind that, as of 20 January 1993, UNAVEM II had been forced by the fighting to evacuate 45 of its locations, with the loss of 1 helicopter (damaged by cross-fire on the ground), 58 vehicles and much other equipment destroyed, stolen or looted. In the process members of UNAVEM II have suffered much harassment, including in some cases premeditated assault, by officials and supporters of both sides.

32. Given the improbability of early agreement on reinstatement of the military provisions of the Peace Accords, together with the security factors mentioned in the preceding paragraph, I do not recommend option (a). The choice between options (b) and (c) is a fine one. On balance, I recommend that the Security Council approve option (c) but that sufficient equipment be retained in Luanda for the time being to permit a subsequent move to option (b) if this should become desirable and feasible. If it accepts this recommendation, the Security Council might wish to establish a deadline with the stipulation that, if by that time it had not been possible to persuade the two parties to agree upon and observe a cease-fire and resume negotiations within the framework of the Peace Accords, then the mission would be withdrawn. This deadline could be 30 April 1993.

33. I shall, with my Special Representative, be examining in due course how far this tragic breakdown of the peace process in Angola was due to shortcomings in the mandate given to, or the performance of, the United Nations. But my present view is that the fundamental cause of the breakdown was the failure, often deliberate, of both parties to implement in full the provisions of the Peace Accords relating to political, military and police matters or to make the necessary efforts to promote national reconciliation. This failure greatly added to the difficulty, for the United Nations and other interested third parties, of preventing a slide back into civil war after UNITA further violated the Peace Accords by rejecting the results of an election certified by my Special Representative as having been generally free and fair, withdrawing from the new Angolan Armed Forces and seizing scores of municipalities. It is also necessary to point out that the deliberately limited role assigned by the two parties and the observers in the Peace Accords to UNAVEM II in military matters, which was only to verify the efficient working of joint monitoring mechanisms to be established and chaired by the parties themselves, hampered its ability to correct the drift towards non-compliance, which had already become apparent by late 1991.

34. One other matter which I find it necessary to underline now is the outrageous harassment and physical abuse to which UNAVEM II personnel have been subjected, together with the theft and looting of United Nations property, by officials and supporters of both sides but especially UNITA. When protests are made about such incidents, the leadership of both sides says that they result from unauthorized actions by uncontrolled elements. But the fact is that both parties, or media under their control, have, at one time or another in recent months, maliciously criticized UNAVEM II's performance and accused it of bias in favour of the other side. Such statements increase the likelihood that, when the situation deteriorates, "uncontrolled elements" will

use violence against United Nations personnel. This is an observation which is relevant to a number of other United Nations operations in which those who are serving the causes of peace and humanity, to the best of their ability and often at the risk of their own lives, are currently denied the respect and cooperation to which they are entitled.

35. In conclusion I again pay tribute to my Special Representative, Miss Margaret Joan Anstee, to Brigadier-General Michael Nyambuya (Zimbabwe) who has acted as Chief Military Observer since Major-General Edward U. Unimna (Nigeria) returned to his country's service on 14 December 1992, and to all who have been serving under their command, for the exceptional courage and determination which they have shown in carrying out their duties in dangerous and discouraging circumstances.

Annex

Informal discussion paper on future mandate of UNAVEM

I. BACKGROUND

1. Both parties to the Bicesse Accords have formally indicated their interest in an extended and strengthened presence of UNAVEM. This was reflected in the joint Declaration of Namibe agreed by the Government and UNITA on 26 November 1992.

2. The original - and present - mandate of UNAVEM II expired on 31 October 1992. Two interim extensions, to 30 November 1992 and 31 January 1993, respectively, have been subsequently agreed by the Security Council, pending the presentation of long-term recommendations by the Secretary-General. These have now to be submitted, without fail, by the middle of January.

3. The Secretary-General has indicated his willingness to recommend to the Security Council a larger mandate and strength for UNAVEM II, but has stated that he could do this only "if the two sides had demonstrated their continuing commitments to the Bicesse Accords by agreeing to a realistic plan of action to get the implementation process back on track".

4. At the Namibe meeting on 26 November 1992 it was agreed that the two parties would send to the Secretary-General's Special Representative for Angola, by 29 November, a jointly agreed list of the tasks that the expanded mandate of UNAVEM would encompass, as a basis for estimating the numbers and types of personnel required, and the cost of the operation.

5. Unfortunately, subsequent events in Uige and Negage disrupted this process. Instead, both parties have presented separate documents defining their concepts. While there are a number of important areas of common agreement, there are also some significant differences which need to be urgently reconciled so that a firm proposal may go forward to the Secretary-General no later than the first week of January 1993.

6. Given these circumstances, both parties have agreed that UNAVEM should prepare a draft proposal, attempting to reconcile the two positions, as a basis for discussion at an early meeting between the two, in conjunction with UNAVEM, preferably in the last week of December 1992. This is the purpose of the present document.

II. BASIC PREMISES

7. In conformity with the position taken by the Secretary-General, as reflected in paragraph 3 above, certain prerequisites for the effective relaunching of the peace process and further approval of an extended and

expanded mandate for UNAVEM would need to be fulfilled. The Government and UNITA would need, inter alia:

(a) To reaffirm their commitment to respect and implement the Peace Accords for Angola;

(b) To recognize that the success or failure of any new attempt to implement the Peace Accords will depend first and foremost on their own actions;

(c) To reaffirm their previous commitments to a total cease-fire, including a halt to all offensive movements of troops and weapons;

(d) To reaffirm that the results of the 29/30 September 1992 elections stand as accepted by all parties;

(e) To reaffirm their declared desire for the United Nations to be given a larger and more active role in the Angolan peace process. They would recognize formally that this means the United Nations should be given the authority of mediator and supervisor;

(f) To commit themselves to respect the United Nations Mission in Angola, and to support and protect the Chief and all members of the Mission as well as United Nations installations and property;

(g) To accord to UNAVEM a role appropriate to its expanded mandate in the revised JPMC or alternative successor organization that may be decided between the parties;

(h) To agree that the campaign for the second round of the presidential election cannot begin until the tasks described in paragraph 8 (a) to (h) below have been declared by the United Nations as completed;

(i) To agree to a realistic and specific timetable for implementation of each of the tasks described below.

III. TASKS

8. The Government and UNITA would formally accept United Nations mediation and supervision and technical assistance in completion by them of the following nine basic tasks:

(a) Implementation of the cease-fire;

(b) The assembly and demobilization of both sides' troops;

(c) The collection, storage and custody of weapons, including those in civilian hands;

(d) The formation of the new, unified armed forces;

(e) The formation and supervision of a neutral, unified police force;

(f) The extension of the central administration to the entire country and assurance of the free circulation of people and goods;

(g) The release and exchange of prisoners (principally supervised by ICRC);

(h) Security for UNITA leaders and installations;

(i) The second round of presidential elections.

9. The basic functions to be assigned to the United Nations under each of these headings are outlined below. In some cases, options have been suggested, and a decision will be needed as to which should be selected. No figures for numbers of personnel have been given since these can be calculated only when agreement on the basic tasks has been reached.

A. Implementation of the cease-fire

10. United Nations military, police and civilian political offices would:

(a) Assist in reinstating the joint government/UNITA monitoring machinery;

(b) Monitor the cease-fire and investigate alleged violations of it;

(c) Mediate solutions to cease-fire problems at the national and local levels.

United Nations military, police and civilian officers would need to be deployed in all 18 provincial capitals, with air and land mobility. Until the cease-fire is firmly established and an effective and accepted police force is in place, the observers would need armed United Nations protection.

B. The assembly and demobilization of both sides' troops

11. This would entail the withdrawal and recantonment of troops in assembly areas; demobilization of all troops surplus to Angolan Armed Forces' requirements and their transportation to their respective provinces; and effective abolition of FAPLA and FALA.

12. United Nations military and civilian staff would:

(a) Mediate agreements on these tasks;

(b) Monitor assembly of troops and arms in the assembly areas;

(c) Arrange adequate logistic support for them.

Each side would have to provide an honest account of its order of battle, including civilians to whom arms have been issued during the recent crisis. They would also have to include information about which personnel had already been selected for the Angolan Armed Forces. On this basis, arrangements would have to be agreed for the immediate assembly of troops and arms not selected for the Angolan Armed Forces, with adequate arrangements for logistic support of the troops in the assembly areas and their earliest possible demobilization. Additional political staff could be required for mediating and for logistic support function. It would also be necessary to ensure that proper arrangements are in place for retraining programmes to facilitate the social and economic integration of those returning to civilian life.

C. Collection, storage and custody of weapons

13. Each side would have to provide an honest declaration of the weapons under their control. Armed United Nations infantry would supervise the storage of, and if necessary, guard, the arms brought into the assembly areas, and at central storage sites, until they are destroyed or transferred to the Angolan Armed Forces.

14. Arrangements would also have to be agreed for recovering at least some of the arms distributed to civilians, including perhaps a programme to collect weapons from civilians. The neutral, unified police force (see sect. E below) would need to be fully involved in this process.

D. Formation of the new unified Angolan Armed Forces

15. The formation of the Angolan Armed Forces would be undertaken by the Angolans themselves. The United Nations role would be to supervise the process. It would be mainly a management function, involving the assembly and direction of teams of foreign staff officers and instructors to help the parties set up and train the new Angolan Armed Forces, and coordinate the work of any foreign advisers they might invite bilaterally to assist them.

E. Formation and supervision of a neutral, unified police force

16. This process would require effective incorporation of UNITA and other non-MPLA elements into the neutral, unified police force, including into the anti-riot police.

17. United Nations police officers would supervise and monitor the establishment, training and operations of a new national police force, including the anti-riot police, for which personnel would be recruited from all Angolan parties and ethnic groups.

F. Extension of the Government's administration to the entire country and assurance of the free circulation of people and goods

18. In each province, United Nations civilian and police observers would monitor and supervise such extension and circulation. A small United Nations political staff would be required in each of the provinces. This could be facilitated if the Government agreed:

(a) To introduce, at an early date, legislation providing for provincial and municipal administrators to be elected by popular vote;

(b) To appoint, meanwhile, supporters of parties other than MPLA, and acceptable to the Government, to provincial and municipal administrations in areas where those parties won a majority in the recent legislative election.

G. Release and exchange of prisoners

19. As foreseen in the Peace Accords, this function would be coordinated and supervised by ICRC. The United Nations, as previously, would cooperate, as necessary and appropriate, in ensuring the release of all military and civilian prisoners still held, including all those taken during and after the 31 October/1 November fighting anywhere in Angola.

H. Security for UNITA leaders and installations

20. United Nations policy in such situations is that the primary responsibility for the security of all citizens in a country rests with the Government concerned. It is recognized, however, that the special circumstances prevailing in Angola require some additional measures. Various options may be considered, either singly or in a combination among several of them:

(a) Basic security provided by the Government;

(b) Agreement by the Government to allow the UNITA leadership to have a strictly limited number of armed bodyguards drawn from their supporters;

(c) Additional bodyguards provided by commercial security agencies;

(d) Close monitoring by United Nations civilian police observers to ensure that the UNITA bodyguards were not being used for unauthorized military activities and that the Government was meeting its own responsibilities for guaranteeing UNITA's security;

(e) A specialist armed unit provided by a Member State or the United Nations, such as a military police detachment trained in VIP protection (Note: this last would be a departure from normal United Nations practice and create a precedent that would need to be examined by the Security Council with particular care).

I. Second round of presidential elections

21. The United Nations role in the second round of the presidential elections should be greatly enlarged. Three options might be considered:

(a) Observation and verification on the same lines as for the first round of elections on 29 and 30 September, but with a far larger number of observers, and with UNAVEM possibly becoming a full member of the National Electoral Council;

(b) Supervision and control of the elections, as in Namibia, but stopping short of overall responsibility for their organization;

(c) Full responsibility for the organization and conduct of the elections as in Cambodia.

It should be emphasized, however, that the last two options would involve amendments to the Electoral Law, as well as a very large increase in resources, for which it would be difficult to obtain Security Council approval. The possibility of the Government of Angola making a substantial contribution to the electoral part of the new United Nations mission might be considered.

22. Whichever of the above options was chosen, the United Nations could again provide technical assistance and help the Government or the National Electoral Council (NEC) to obtain the necessary logistic and other support from external sources.

UNITED
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Security Council

Distr.
GENERAL

S/25141
22 January 1993
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

LETTER DATED 22 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the statement of His Excellency Mr. Levon Ter-Petrossian, President of the Republic of Armenia, dated 6 January 1993, regarding the joint statement by President Yeltsin and President Bush on 3 January 1993, on the conflict in Nagorny Karabakh.

I should be grateful if you would have this statement circulated as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Ambassador
Permanent Representative

Annex

[Original: Russian]

STATEMENT BY THE PRESIDENT OF THE REPUBLIC OF ARMENIA

The joint statement issued by the President of the Russian Federation and the President of the United States of America on 3 January 1993 concerning Nagorny Karabakh was interpreted in the Republic of Armenia as an expression not only of deep concern, but also of a realistic assessment of the role and responsibilities of those countries in helping to enhance the effectiveness of the process of political settlement of the conflict in Nagorny Karabakh within the framework of the peace initiatives of the Conference on Security and Cooperation in Europe.

The Republic of Armenia has repeatedly given tangible proof of its commitment to political means of settling problems and its readiness to achieve understanding on the basis of mutually acceptable proposals that take into account the interests of the parties; it reaffirms its policy of refraining from the use of force and seeking compromises that are consistent with the supreme interests of the Armenian and Azerbaijani peoples, as well as the interests of security and cooperation in the region, Europe and the world.

The conflict in Nagorny Karabakh can and should be settled not by military means, but by peaceful means, not on the battlefield, but at the negotiating table. The military confrontation, based on arithmetical calculations and on false illusions about achieving unilateral superiority, is criminal and has no future.

Deeply appreciating the readiness of the Russian Federation and the United States of America to continue working together to further the search for solutions, primarily within the framework of the Conference on Security and Cooperation in Europe, the leadership of the Republic of Armenia calls on the leadership of the Azerbaijani Republic to set aside all hesitation and misgivings and to resume, without delay, bilateral and multilateral consultations and negotiations with all the parties to the conflict and all the parties concerned, with a view to bringing about an immediate cease-fire in Nagorny Karabakh and the border regions as the first step towards a peaceful settlement of the conflict.

Erevan, 6 January 1993

UNITED
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Security Council

Distr.
GENERAL

S/25142
22 January 1993
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

LETTER DATED 22 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the statement of Mr. Georgi Petrossian, Chairman of the Legislature of Nagorny Karabakh, dated 8 January 1993, regarding the joint statement by President Yeltsin and President Bush on 3 January 1993, on the conflict in Nagorny Karabakh.

I should be grateful if you would have this statement circulated as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Ambassador
Permanent Representative

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Annex

[Original: Russian]

Statement

The leadership of the Nagorny Karabakh Republic noted with understanding the joint statement by the President of Russia, Mr. Yeltsin, and the President of the United States of America, Mr. Bush, regarding Nagorny Karabakh. Naturally, the countries of the world, and in particular the major Powers, are disturbed by the situation in the region, where the five-year-old conflict culminated in the past year in direct aggression by the Azerbaijani Republic against the Nagorny Karabakh Republic.

If the interests of any people of the region are ignored, that could lead to an uncontrolled military escalation, accompanied by gross violations of human rights and countless disasters for the peaceful population.

Unfortunately, the position of certain countries of the Minsk group continues to impede progress towards a just settlement of the problem.

The efforts of mediators - individual countries and international organizations - are not bearing fruit, because Azerbaijan is taking a position that is clearly and totally destructive, and is trying to use all attempts at negotiation in order to score military successes. One example was the attempt by the Azerbaijani army to seize certain populated areas of the Nagorny Karabakh Republic in early January 1993; it was thwarted by the Republic's self-defence forces.

We hope that the major Powers will exert their authority and influence with countries that are deviating from well-considered and neutral positions.

The people and leadership of the Nagorny Karabakh Republic have repeatedly demonstrated their commitment to peaceful means of settlement and their total lack of interest in military escalation, as well as their readiness to involve all interested parties in the region in the search for a settlement.

We reaffirm our readiness to go along with all bona fide and constructive initiatives aimed at achieving a solution to the problem as soon as possible.

At the same time, we should again like to point out that the recognition of the Nagorny Karabakh Republic as a full party to the negotiations would help to accelerate the peace process.

(Signed) G. PETROSSIAN
Chairman of the Supreme Council
of the Nagorny Karabakh Republic

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Security Council

Distr.
GENERAL

S/25143
22 January 1993
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 12 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the text of a statement by the President of the Azerbaijani Republic, Mr. Abulfaz Elchibey, regarding the joint statement made on 3 January 1993 by the President of the Russian Federation, Mr. Boris Yeltsin, and the President of the United States of America, Mr. George Bush, on Nagorny Karabakh.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative

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Annex

Statement by the President of Azerbaijan in connection with the joint statement made by President Yeltsin and President Bush concerning Nagorny Karabakh

Your joint statement concerning the bloody war between Armenia and Azerbaijan and the fact that you firmly advocated an immediate cessation of hostilities and the urgent convening of a meeting at Minsk of the Conference on Security and Cooperation in Europe is a token of your good will and your profound concern at the great human tragedy and loss of life; this deserves the highest praise. At the same time, the people of Azerbaijan are extremely dissatisfied with the attitude of international organizations and larger States towards the true nature of the events taking place. Armenia's open aggression against Azerbaijan is self-evident; Armenia's objective is to seize certain Azerbaijani territories by force. The adoption by the Supreme Council of Armenia of a decision on Armenia's annexation of Nagorny Karabakh, which is, as everyone knows, part of Azerbaijan, is a shameful fact that exposes the true intentions of the Armenian side. Yet, this shameful fact has been passed over in silence, and its political implications have not been properly assessed. To date, the decision itself has for some reason not been rescinded.

Armenia's open aggression is evident not only in its occupation of the mountainous part of Karabakh but in its seizure of other Azerbaijani territory: Lachin, five villages of the Kazakh District, the village of Kyarki in Nakhichevan, nine villages of the Zangelan District, the continuous rocket and artillery bombardment of virtually all towns and villages along the frontier, and countless incursions into our territory. It is the fault of the Armenian side that the Nakhichevan Autonomous Republic is being blockaded and its population deprived of essential commodities, food and electricity.

Yet no one's attention has been drawn to the fact that all the military operations are being conducted in the territory of Azerbaijan. In short, what is taking place between Azerbaijan and Armenia is by no means a conflict between two guilty parties. On the contrary, it is a question of aggression. Unless the aggressor is identified, it will be difficult to put an end to the bloody war. I believe that this is the only reason why the war is dragging on.

With the aid of the numerous and influential Armenian communities throughout the world, the aggressor is seeking to lay the blame on others, divert the international community's attention from the real nature of the events taking place, and influence the policies of world Powers; occasionally these efforts are successful. One example of this is the unwarranted and biased decision of the United States Congress to deprive Azerbaijan, which is at a crucial stage in its transition to democracy, of essential assistance and support.

I would draw your attention to the fact that, until now, Armenia has rejected all attempts to find political means of ending the war.

Immediately after the joint statement by the three ministers for foreign affairs in February 1992 in Moscow, Armenian nationalists perpetrated a massacre in the town of Khodzhaly where Azeris lived, which resulted in the death of thousands of innocent people.

On the very day in May 1992 that an agreement on a cease-fire was signed at Tehran, Armenia launched a cruel offensive and occupied the Azerbaijani town of Shusha. Several days later, during the meeting of the Committee of Senior Officials of the Conference on Security and Cooperation in Europe, another town - Lachin - was occupied.

Quite recently, after political consultations at Geneva in December 1992 in which five sides participated, and on the eve of the Stockholm meeting of the Conference on Security and Cooperation in Europe, there was a further escalation of hostilities. Violating the State frontier of the Azerbaijani Republic, Armenian armies made an incursion of 15 kilometres into its territory, seized and burned 13 villages and killed and captured hundreds of peaceful inhabitants. None of this was given a proper political assessment or the condemnation it deserved.

Distinguished Presidents, I fully share your opinion that the continuing cruel confrontation between Azerbaijan and Armenia is increasing the number of human victims, causing irreparable damage to the economies of the two countries, hindering their efforts to strengthen democracy, and destabilizing the entire Transcaucasian region. It is for this reason that we express our support for your call for a peaceful and just settlement of the Armenian-Azerbaijani conflict on the basis of generally accepted international principles, laws and norms. We are prepared to participate actively in all measures undertaken to achieve this end.

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Security Council

Distr.
GENERAL

S/25144
22 January 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 JANUARY 1993 FROM THE PERMANENT MISSION OF KENYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Kenya to the United Nations presents its compliments to the Secretary-General and, with reference to the latter's note dated 25 August 1992 regarding the implementation of Security Council resolution 770 (1992), has the honour to convey the following information from the Government of Kenya:

(a) Kenya has complied with the provisions of paragraph 2 of Security Council resolution 770 (1992);

(b) Kenya has not received any information called for in paragraph 5 of resolution 771 (1992).

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UNITED
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Security Council

Distr.
GENERAL

S/25145
22 January 1993

ORIGINAL: ENGLISH

LETTER DATED 22 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In response to the letter dated 22 January 1993 submitted to the Security Council by the President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Dobrica Cosic (S/25139), I have been instructed by my Government to give an explanation of the recent limited and completed action of the Croatian Police Forces and Croatian Army units on the territory of Croatia, aimed to secure the perimeter of the Maslenica-bridge rebuilding site.

In his letter to the President of the Security Council (S/24934) dated 9 December 1992, the President of Croatia, Mr. Franjo Tudjman, asked, inter alia, for the speed up of the implementation of the Vance plan, especially with regard to the opening of the transportation and communication routes, including the Adriatic Highway and the rebuilding of the Maslenica bridge.

The Adriatic Highway is the only link to the coastal Croatian region of Dalmatia and its reopening is therefore essential for the transport of humanitarian assistance to that region, as well as to Bosnia and Herzegovina. The present limited action of the Croatian forces was aimed at establishing control over certain areas in the "pink zones" in order to start the reconstruction of the destroyed bridge in the area and to reopen the only airport in the Zadar region.

The Croatian Government has only recently informed the Co-Chairmen of the Conference on the Former Yugoslavia on its intention to establish control over this territory in the "pink zones", whose restoration to Croatian authority was envisaged by the reports of the Secretary-General concerning Security Council resolution 762 (1992).

I would like to refer to paragraph 3 of the Secretary-General's report (S/24188) in which he emphasized that "the Croatian authorities are correct in their interpretation of the plan approved by the Security Council, which does

not provide for any change in the UNPAs boundaries" and "therefore they were under no obligation to agree to an adjustment of the agreed boundaries in those sectors in order to circumvent the problem". In spite of this, Croatia accepted the establishment of the so-called "pink zones" and has actively been cooperating with the United Nations Protection Force (UNPROFOR) in achieving the major goals of the peace plan. As the result of that, the Secretary-General expressed "special gratitude to the Government of Croatia for the flexibility it has shown in response to the Force Commander's efforts to find a solution to the question of the 'pink zones'" (S/24353, para. 26).

The Secretary-General stated that "prior to the reinstatement of Croatian authority in the 'pink zones', a general amnesty in regard to events associated to the conflict would be brought into effect by the Government of Croatia, thus also helping to create a climate of security in which displaced persons could return to their homes" (S/24188, para. 16 (f)). On 25 September 1992, the Croatian Parliament fulfilled this obligation by adopting the Amnesty Act. In spite of this, the process of reintegrating these areas into the legal, economic and social system of Croatia has not begun, nor is there the beginning of the process of "restoration of authority by the Croatian police and the re-establishment of the local police in proportion to the demographic structure of the areas prior to the conflict" (S/24188, para. 16 (d)).

It is the opinion of the Secretary-General based upon the reports in the field that "the root cause of the deterioration in the United Nations protected areas since late July has been the Knin authorities' decision to create new paramilitary forces. This action is inconsistent with the demilitarization of the United Nations protected areas and is thus a blatant violation of the United Nations plan" (S/24600, para. 34). This is similar to what occurred in the "pink zones" directly undermining the stability of Croatia and threatening its national security.

In response to the letter of the President of the Federal Republic of Yugoslavia (Serbia and Montenegro), I have to draw your attention to the fact that President Cosic speaks of an armed attack against "the territory of the Republic of Serbian Krajina". This is contrary to the terms of the Vance plan and clearly demonstrates that the Federal Republic of Yugoslavia (Serbia and Montenegro) recognizes this self-proclaimed entity within the international boundaries of Croatia. President Cosic also mentions the "former Republic of Bosnia and Herzegovina", indicating that he does not recognize the sovereignty and territorial integrity of this State Member of the United Nations.

Furthermore, by claiming the right of the Federal Republic of Yugoslavia (Serbia and Montenegro) to protect the Serbian people in the Republic of Croatia, President Cosic is threatening a new aggression by the Yugoslav army against Croatia. If that occurs, the Croatian people and their Government reserve the right to protect and defend the territory of Croatia from any foreign military aggression, and are ready to use all necessary means in fulfilling this task.

The Government of Croatia is committed to the peace plan for Bosnia and Herzegovina proposed by the Co-Chairmen of the Conference on the Former Yugoslavia and to the full implementation of the Vance plan in Croatia, being aware that the full success of this Conference is the only way to bring lasting peace to the region of former Yugoslavia.

I would like to ask for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

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General Assembly Security Council

Distr.
GENERAL

A/48/68
S/25146
22 January 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 22 January 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the letter from the Secretary of the Presidency of the Red Cross of Yugoslavia, Dr. Rade Dubajic, addressed to His Excellency Egon Alfred Klepsch, President of the European Parliament.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under the item entitled "Human rights questions: Human rights situations and reports of special rapporteurs and representatives", and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 18 January 1993 from the Secretary of the Presidency of the Red Cross of Yugoslavia addressed to the President of the European Parliament

The Red Cross of Yugoslavia has learned of the European Parliament resolution on the Condemnation of Mass Rape of Muslim Women in Bosnia and Herzegovina, adopted on 16 December 1993.

The Red Cross of Yugoslavia, as part of the International Red Cross and Red Crescent Movement, committed to the principles of international humanitarian law and guided by the fundamental tenets of the Movement, from the very outbreak of the armed conflict in the territory of the former Yugoslavia has been undertaking numerous actions to extend aid to all the victims of the war and following at the same time the implementation of that law. Like you, the Red Cross of Yugoslavia is appalled at the large-scale and grave crimes committed so far in this armed conflict, among which is the crime of rape of minor girls, girls and women. That crime is a violation of the basic principles of international humanitarian law on respect for the human person, of the honour, family rights, the physical integrity of victims of war, of the principle of humane treatment of victims, and of the requirement for women to be especially protected against any assault on their honour, in particular rape, forced prostitution and any form of assault on their chastity (see in particular Article 27 of the Fourth Geneva Convention of 1949 and Articles 75 and 76 of Additional Protocol I and Article 4 of Additional Protocol II thereto). Under their agreement of 22 May 1992, all the parties in the conflict undertook to respect those provisions of international humanitarian law and hence bear appropriate responsibility. At the same time, these crimes constitute a violation of basic human rights generally accepted today in the world.

The Red Cross of Yugoslavia cannot remain indifferent to these and all other crimes being committed in this armed conflict. Within the Movement to which the Red Cross of Yugoslavia belongs, the International Committee of the Red Cross has been investing steady efforts to ensure respect for international humanitarian law, including the condemnation of war crimes, which should be suppressed, all the perpetrators punished, and the further commission of such crimes prevented.

The Red Cross of Yugoslavia is therefore in full agreement with you and with all others who are appalled at these war crimes, including the crime of rape of minor girls, girls and women.

There is a steady influx of large numbers of refugees into our country from the war-torn areas and there are now over 600,000 of them of various nationalities, in particular of Muslims - around 15 per cent. Among them is a large number of women, which the Red Cross of Yugoslavia helps, in keeping with its duties. A large number of women who have fled to the Federal

Republic of Yugoslavia tell their stories, testify to the ordeals and rape to which they were subjected at the hands of the Muslim and Croatian authorities and forces in Bosnia and Herzegovina, in prisons, camps, hotels, schools, restaurants, flats turned into private prisons, sports centres and other scenes of crime. From their testimonies we learned that many women did not survive mass rape and torture. Those who did survive turned to the Red Cross and medical establishments for help. Most of these women are Serb by nationality, but the Red Cross of Yugoslavia makes no distinction whatsoever between them, and extends assistance to all the victims.

Numerous cases of women who were raped in Bosnia and Herzegovina, who survived and fled to the Federal Republic of Yugoslavia, were reported on in our mass media so that anyone interested could have learned about them, including representatives of foreign States, international organizations and foreign correspondents in our country. The public was also informed of the open letter of Madam Biljana Plavšić, member of the Presidency of Bosnia and Herzegovina, who, as early as 9 September 1992, addressed a letter to the Secretary-General of the United Nations, the United Nations High Commissioner for Refugees, the Steering Committee of the Conference on Yugoslavia and the International Committee of the Red Cross, in which, inter alia, she speaks of the large-scale rape of Serb girls and women in Bosnia and Herzegovina. This letter signalized the existence of the crime of rape on a mass scale. The letter, regrettably, met with no response, no condemnation of the crime and no action was taken so as to establish the facts or put an end to that crime. All these data were available to the European Parliament as well. From the testimonies of the women victims of this crime who survived, the Red Cross of Yugoslavia was able to learn of many such cases and of the places where these crimes were committed: Sarajevo, Hadžići, Tuzla, Bugojno, Bihać, Konjic and many other places in Bosnia and Herzegovina.

The Red Cross of Yugoslavia does not maintain special records on raped women who have escaped to the Federal Republic of Yugoslavia, but takes care of all the victims of the war who are in need, irrespective of their religious, national or any other affiliation or their sex, provides accommodation for them, supplies their food and medicaments, provides social work and welfare and tracing services for them. More specific data on women victims of rape who have fled can be obtained from numerous medical institutions in the Federal Republic of Yugoslavia, which many of these women contacted. These data testify to the massive scale of this crime, and the severe physical and psychic traumas of the victims.

While joining in your condemnation of rape and forced prostitution of women in Bosnia and Herzegovina, we are surprised at the introduction of the principle of discrimination of the victims of this crime, the ignoring of the existence of victims of this crime among Serb women. That principle is contrary to the commitments of the Red Cross of Yugoslavia, the principles of humaneness, impartiality and non-discrimination, as well as the principle of non-discrimination of the victims of war, which is unequivocally spelled out in international humanitarian law and universally accepted. All victims of war are entitled to equal protection. No nationality or religious group

should be treated as an inferior race and members of that group deprived of the right to protection and assistance as victims of war. All war crimes, irrespective of who the perpetrators and the victims are, should be punished in keeping with the law in force. The political criteria of nationality and religion should not be allowed to influence humanitarian action for protecting and assisting victims of war, or the condemnation of war crimes, because international humanitarian law has been universally adopted so as to protect all human beings from violence, crime and inhumane treatment. The Red Cross of Yugoslavia is of the opinion that all national Red Cross organizations should bring influence to bear on their respective Governments so that the principles of international humanitarian law are equally respected and that no discrimination is made among victims of war.

The primary task of the Red Cross of Yugoslavia is to extend assistance and protection to all victims of war who appeal to it. In this case it is ready to continue to extend assistance both to women victims of rape, as well as to children born as the fruit of that crime. The Red Cross of Yugoslavia does not engage in pronouncing public condemnation and trials for war crimes, which is within the competence of other bodies and organizations, but joins in the general condemnation of those crimes pronounced by others when the principles are violated of international humanitarian law, which has been developed at the initiative of the Red Cross. The Red Cross of Yugoslavia is, however, ready to make the data it has obtained through contact with victims of war available to bodies in charge of collecting data and punishing war crimes and to bodies seeking to establish the facts and the full truth to the extent possible, in keeping with the personal rights of victims of war.

We would appreciate it if you would acquaint the sponsors of the resolution with our letter.

(Signed) Dr. Rade DUBAJIĆ
Secretary of the Presidency
of the Red Cross of Yugoslavia

(Signed) Dr. Radovan MIJANOVIĆ
President of the Red Cross
of Montenegro

(Signed) Dr. Slobodanka GRUDEN
President of the Red Cross
of Serbia

UNITED
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General Assembly Security Council

Distr.
GENERAL

A/47/876
S/25147
22 January 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda item 19
ADMISSION OF NEW MEMBERS TO THE
UNITED NATIONS

SECURITY COUNCIL
Forty-eighth year

Note by the Secretary-General

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council and following informal consultations held by the President of the Security Council at the request of the Secretary-General concerning the receivability of the attached application for admission to membership in the United Nations, the Secretary-General has the honour to circulate herewith the said application.

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ANNEX

Letter dated 30 July 1992 from the President of the Republic of Macedonia addressed to the Secretary-General

In accordance with Article 4 of the Charter of the United Nations and in compliance with the provisions of the rules of procedure of the Security Council 58-60 and of the provisions of the rules of procedure of the General Assembly, 134-138 related to the admission of new Members to the United Nations, I have the honour, on behalf of the Republic of Macedonia, and in my capacity as President, to request the admission of the Republic of Macedonia as a State Member of the United Nations.

Acting within the framework of the democratic processes in the region of Central and Eastern Europe and the constitution of new States, the Republic of Macedonia has completed its independence and sovereignty through peaceful, democratic and constitutional changes.

In accordance with the principles of self-determination and equal rights of the Charter of the United Nations, the Assembly of the Republic of Macedonia has adopted the Declaration for international recognition of the Republic of Macedonia as a sovereign and independent State. Prior to this Declaration a referendum was organized in the Republic of Macedonia on 8 September 1991, at which the will of the citizens for a sovereign and independent State of Macedonia was confirmed. According to the Constitution of the Republic, adopted on 17 November 1991, the Republic of Macedonia is a sovereign, independent, democratic and social State.

The Republic of Macedonia accepts the obligations contained in the Charter of the United Nations and supports fully the United Nations and the enhancement of its role in promoting international peace, security and justice. We reaffirm our commitment to the principles and purposes of the United Nations as enshrined in the Charter and condemn all violations of those principles. We recognize with satisfaction the growing role of the United Nations in world affairs and its increasing effectiveness.

The Republic of Macedonia accepts the Helsinki Final Act, the Charter of Paris for a New Europe, the Helsinki Summit Declaration and Helsinki Decisions, as well as all other documents of the Conference on Security and Cooperation in Europe and all commitments and responsibilities contained in those documents, and is determined to act in accordance with their provisions.

Having appreciated your personal efforts within the framework of the general responsibilities of the United Nations, I express my sincere convictions that the admission of the Republic of Macedonia to the United Nations as a Member State shall be a very significant step towards the peaceful solution of the crisis in the territory of the former Yugoslavia.

I would be grateful if you would arrange for the application to be placed before the Security Council and the General Assembly at the earliest opportunity.

(Signed) Kiro GLIGOROV
President

UNITED
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Security Council

Distr.
GENERAL

S/25148
23 January 1993
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

LETTER DATED 21 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVES OF THE RUSSIAN FEDERATION AND THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to transmit herewith the text of the Joint Statement by the President of the United States of America Mr. George Bush and the President of the Russian Federation Mr. Boris N. Yeltsin on Nagorno-Karabakh issued 3 January 1993 (see annex in English and Russian).

We should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Edward J. PERKINS
Permanent Representative
of the United States of America
to the United Nations

(Signed) Yuli M. VORONTSOV
Permanent Representative
of the Russian Federation
to the United Nations

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Annex

[Original: English/Russian]

Joint statement of the President of the Russian Federation and the President of the United States of America on Nagorno-Karabakh

Moscow - January 3 Tass -- The Joint Statement of the President of the Russian Federation, Mr. Boris Yeltsin, and the President of the United States of America, Mr. George Bush, on Nagorno-Karabakh.

The Russian Federation and the United States of America express deep concern over the continuing sanguinary tragedy in Nagorno-Karabakh and, lately, on the border between Azerbaijan and Armenia. The long and fierce hostilities continue to increase the number of casualties, mostly among civilians, and inflict enormous damage to the economies of both states, to discredit the democratic tendencies in their development, to destabilize the situation in the whole of Transcaucasia.

We are worried over the continuation and aggravation of the conflict, over brutal shellings and bombardments of populated localities, over streams of refugees, introduction of blockades, violations of international humanitarian law, including seizure of hostages and barbaric treatment of POWs. These activities demand fixed attention and condemnation on the part of civilized states, the United Nations and international humanitarian structures.

Russia and the U.S. call for an immediate end to the bloodshed, for a drastic turn towards a political settlement of the conflict, for an early convocation of the CSCE Conference on Nagorno-Karabakh in Minsk to solve all disputed problems. This meets the supreme national interests of the Azerbaijani and Armenian peoples. They (Russia and the U.S.) address the leaders of Azerbaijan and Armenia, all participants in the conflict with an insistent call to confirm by practical deeds the statements on the desire to solve it (the conflict) by peaceful methods, to respect the reached peaceful agreements.

On their side, the Russian Federation and the United States of America confirm their readiness to join efforts and continue to render help in searching for solutions acceptable for all participants in the conflict, first and foremost in the CSCE framework.

UNITED
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Security Council

Distr.
GENERAL

S/25149
25 January 1993

ORIGINAL: ENGLISH

REPORT SUBMITTED TO THE SECURITY COUNCIL BY THE SECRETARY-GENERAL
IN ACCORDANCE WITH RESOLUTION 799 (1992)

1. On 18 December 1992 the Security Council adopted resolution 799 (1992), which reads as follows:

"The Security Council,

"Recalling the obligations of Member States under the United Nations Charter,

"Reaffirming its resolutions 607 (1988), 608 (1988), 636 (1989), 641 (1989), 681 (1990), 694 (1991) and 726 (1992),

"Having learned with deep concern that Israel, the occupying Power, in contravention of its obligations under the Fourth Geneva Convention of 1949, deported to Lebanon on 17 December 1992, hundreds of Palestinian civilians from the territories occupied by Israel since 1967, including Jerusalem,

"1. Strongly condemns the action taken by Israel, the occupying Power, to deport hundreds of Palestinian civilians, and expresses its firm opposition to any such deportation by Israel;

"2. Reaffirms the applicability of the Fourth Geneva Convention of 12 August 1949 to all the Palestinian territories occupied by Israel since 1967, including Jerusalem, and affirms that deportation of civilians constitutes a contravention of its obligations under the Convention;

"3. Reaffirms also the independence, sovereignty and territorial integrity of Lebanon;

"4. Demands that Israel, the occupying Power, ensure the safe and immediate return to the occupied territories of all those deported;

"5. Requests the Secretary-General to consider dispatching a representative to the area to follow up with the Israeli Government with regard to this serious situation and to report to the Security Council;

"6. Decides to keep the matter actively under review."

2. In pursuance of paragraph 5 of resolution 799 (1992), the Secretary-General telephoned the Minister for Foreign Affairs of Israel, Mr. Shimon Peres, to inform him of his decision to send Under-Secretary-General for Political Affairs, Mr. James O. C. Jonah, to the region. The Secretary-General expressed the hope that it would be possible to achieve a solution in conformity with the position adopted unanimously by the Security Council.

3. Mr. Jonah visited the area from 27 to 30 December 1992. In Israel he held extensive discussions with the Prime Minister, Mr. Yitzhak Rabin, and the Minister for Foreign Affairs, Mr. Shimon Peres. While in Jerusalem, he met with a group of Palestinians, led by Mr. Faisal Husseini, the head of the Palestinian delegation to the peace talks with Israel. In Lebanon, he met the President, Mr. Elias Hrawi, the Prime Minister, Mr. Rafik Hariri, and the Minister of Health and Acting Minister for Foreign Affairs, Mr. Marwan Hamadieh. Mr. Jonah was prevented from meeting with the deportees themselves, but he met with representatives of their families, at the request of the latter. He also met, at their request, with Israeli families who had suffered from acts of terrorism. In addition, Mr. Jonah was briefed during his visit by representatives of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the United Nations Interim Force in Lebanon (UNIFIL). It should be noted that 16 of the deportees are UNRWA staff members.

4. On 2 January 1993, Mr. Jonah briefed the Secretary-General in Addis Ababa on his discussions in the region, which had been inconclusive because it had not proved possible to persuade the Government of Israel to fulfil its obligations under resolution 799 (1992). The Secretary-General subsequently telephoned Prime Minister Rabin from Addis Ababa to inform him of his intention to send a second mission, led by his Special Political Adviser and Representative to the multilateral peace talks on the Middle East, Under-Secretary-General Chinmaya Gharekhan. This decision was based, he said, on his determination to exert every possible effort to achieve a solution in accordance with the will of the Security Council.

5. On 4 January 1993, the Secretary-General conveyed a letter to the President of the Security Council in which he underlined that an important principle was at stake, namely, that Israel's decision to deport to Lebanon 415 Palestinian civilians was illegal under international law. It was a contravention of Israel's obligations under article 49 of the Fourth Geneva Convention, 1/ and constituted a fundamental disregard of the Universal Declaration of Human Rights. 2/ For its part, the Security Council had repeatedly (in its resolutions 607 (1988), 608 (1988), 636 (1989), 641 (1989), 681 (1990), 694 (1991) and 726 (1992) and most recently in resolution

799 (1992)) expressed its opposition to and condemnation of the deportation of Palestinian civilians from the occupied territories. In his letter, the Secretary-General reported with regret that Mr. Jonah's mission had been unsuccessful and that that was attributable to Israel's unwillingness to comply with resolution 799 (1992). Recalling the unanimous and unequivocal position taken by the Security Council in that resolution, in particular the explicit demand contained in paragraph 4 thereof, the Secretary-General said that in his opinion there was no alternative to the safe and immediate return to the occupied territories of all those deported. He informed the Council that, in view of the gravity of the situation and before presenting a full report, he felt compelled to make a further effort to find a solution in conformity with the terms set out in resolution 799 (1992) and that consequently he had decided to send Mr. Gharekhan to the region to discuss with the Government of Israel ways of bringing an end to the situation. He hoped that the Israeli authorities would recognize the need to comply with resolution 799 (1992); if not, he might have to recommend in his report that the Council consider taking further steps to ensure that its decision was respected.

6. The Secretary-General briefed Mr. Gharekhan in Cairo on 6 January 1993 about his mission, and emphasized that, in his discussions with the Israeli authorities, he should focus solely on implementation of resolution 799 (1992). While the United Nations was concerned over the humanitarian plight of the Palestinian deportees, this aspect had not been addressed by the Security Council. In the circumstances, it seemed appropriate that the International Committee of the Red Cross (ICRC), which under the Fourth Geneva Convention has a special responsibility for civilians residing under occupation, should address the humanitarian needs of the deportees.

7. Mr. Gharekhan visited Israel from 7 to 12 January 1993. He held extensive discussions with the Israeli authorities, including Prime Minister Rabin, with whom he met twice, and Minister for Foreign Affairs Peres. The Prime Minister emphasized that the decision adopted by the Government of Israel on 16 December 1992 "to expel temporarily" 415 Palestinians could not be rescinded. The decision had been taken in the light of a number of acts of violence carried out by supporters of the Hamas and Islamic Jihad movements against Israeli citizens, which had culminated in the kidnapping and subsequent murder of an Israeli border policeman. The Prime Minister noted that the Government had refrained from adopting harsher measures, including capital punishment, which, he pointed out, was permissible under the Fourth Geneva Convention. He mentioned, however, that a number of petitions had been filed with the Israeli High Court of Justice, including one that challenged the legality of the Government's decision which had been adopted on an ad hoc basis and, unlike previous situations in which Israeli deportation orders had been issued to Palestinian residents of the occupied territories, did not stem from the British Mandatory Emergency Regulations of 1945. The Prime Minister stated that, should the High Court rule that the government decision was illegal, the deportees would be returned to "the places from which they had been taken" prior to their expulsion. Otherwise, each expelled individual had the right to appeal. In

the opinion of the Israeli authorities, the expulsion orders were not inconsistent with the position taken by the Security Council. All those expelled would be permitted to return, as requested by the Council; the only difference was regarding the timing. Each deportee had been informed, at the time of his expulsion, of the period that he would have to remain away. Finally, the Prime Minister said that, although the Government of Israel did not wish to enter into a confrontation with the Security Council, it believed that its decision regarding the temporary expulsions was justified, not only on the grounds that it would serve as a deterrent to further acts of violence but also that it would help to sustain the peace process. In the Government's view, Palestinian supporters of the peace process had been intimidated and indeed had their own lives threatened by Hamas and the Islamic Jihad, which were opposed not only to negotiations with Israel but to peace itself. The Prime Minister said that, if the Security Council was to adopt measures against Israel, it might lead to a collapse of the peace process, for which the Council would be held responsible.

8. For his part, Mr. Gharekhan emphasized to his Israeli interlocutors the imperative need for compliance with the decision of the Security Council. He stated that the objective of his mission was to find a solution in accordance with resolution 799 (1992) and that he would not address the humanitarian aspects of the problem. He would not, therefore, travel to Lebanon. He stressed that, if Israel failed to fulfil its obligations under resolution 799 (1992), the Secretary-General would have no choice but to submit an unambiguous report to the Security Council as a follow-up to his 4 January 1993 letter to the President of the Council. Moreover, he firmly rejected the view that the Security Council should be held responsible for a collapse in the Middle East peace process. Should such an eventuality arise, Israel alone would be responsible. In this connection, Mr. Gharekhan conveyed to the Prime Minister a message from the Palestinians he had met the previous evening that they would not resume the peace talks unless the deportees were permitted to return. In response to suggestions that the deportees might be transferred to third countries, Mr. Gharekhan stated that his sole objective was to help to find a solution in strict accordance with the decision of the Security Council, which had demanded the safe and immediate return of the deportees. He noted that it was open to Israel to place the deportees in prison or under administrative detention which, at least, would not be in violation of the Fourth Geneva Convention.

9. During his visit to Jerusalem, Mr. Gharekhan also met, at their request, with a widely representative group of Palestinians, led by Mr. Faisal Husseini. Without exception, the Palestinians expressed opposition to the deportations and called for full implementation of resolution 799 (1992). Unless the deportees were permitted to return, they said, the Palestinian delegation would not resume peace talks with Israel. As indicated above, they requested Mr. Gharekhan to convey this latter message to Prime Minister Rabin. They rejected the Israeli explanation that the deportees had been expelled because of their opposition to the peace process, and expressed apprehension at the precedent set by the ad hoc government decision, which could be applied to any Palestinian civilian in the occupied territories. More generally, the group expressed deep disappointment and

bitterness at Israel's continuing defiance of Security Council resolutions and asked why, in the light of the most recent example of Israeli non-compliance, they should believe that Israel would eventually abide by resolutions 242 (1967) and 338 (1973) on which the peace process was based. Furthermore, it was widely felt that, since the Madrid peace conference, the international community had ignored the right of Palestinians under occupation to safety and protection. Security Council resolution 681 (1990), which inter alia requests the Secretary-General to monitor and observe the situation regarding Palestinian civilians under Israeli occupation, was cited in this connection. Mr. Gharekhan assured the Palestinians that their concerns would be conveyed to the Secretary-General as well as to Israeli leaders with whom he would meet.

10. While his mission did not concern humanitarian matters, Mr. Gharekhan met twice with the head of the ICRC delegation in Tel Aviv, who inter alia briefed him on the 9 January 1993 ICRC visit to the deportees, which had been agreed to by Lebanon and UNIFIL on a one-time basis, as well as by Israel. For this purpose, ICRC had chartered a UNIFIL helicopter, on which United Nations markings were replaced by those of the Red Cross. In the event, the ICRC delegate and medical doctor who conducted the visit had decided, and were given permission by the Israeli authorities, to evacuate two deportees on humanitarian grounds. One, a 16-year-old boy, had been expelled "by mistake", and was permitted to return to his home in the occupied territories. The other was evacuated for medical reasons and, after spending the night of 9 January under ICRC supervision at UNIFIL's hospital in Naqoura, was transferred to Marjayoun Hospital in the Israeli-controlled area (ICA) in southern Lebanon.

11. On 13 January 1993, Mr. Gharekhan briefed the Secretary-General in Paris on his mission.

12. In the meantime, the Secretary-General had a number of meetings and telephone conversations about the deportees with leaders in the region and representatives of other interested Governments. In Geneva he met the Minister for Foreign Affairs of Algeria, Mr. Lakhdar Ibrahimi, the Minister for Foreign Affairs of France, Mr. Roland Dumas, and the Chairman of the Executive Committee of the Palestine Liberation Organization, Mr. Yasser Arafat. In each of these meetings, the situation of the deportees and implementation of resolution 799 (1992) was discussed at length. In Bonn, the Secretary-General addressed the same issues in a meeting with the Minister for Foreign Affairs of Germany, Mr. Klaus Kinkel. In Paris, he again discussed the situation with the Ministers for Foreign Affairs of Algeria and France, as well as the Secretary of State of the United States of America, Mr. Lawrence Eagleburger. During this period, the Secretary-General spoke several times by telephone with the Prime Minister of Lebanon, Mr. Rafik Hariri.

13. On 13 January 1993, the Secretary-General met in Paris with the Minister for Foreign Affairs of Israel. He reiterated to Mr. Peres the need for Israel to comply immediately with the decision of the Security Council. The following day, he spoke twice by telephone with Prime Minister Rabin, and

agreed to send Mr. Gharekhan to Jerusalem again, in a further effort to secure implementation of resolution 799 (1992).

14. On 18 January 1993, Mr. Gharekhan met in Geneva with the President of ICRC, Mr. Cornelio Sommaruga. He conveyed the Secretary-General's appreciation for the humanitarian activities carried out by ICRC with respect to the deportees. Mr. Sommaruga briefed him on further measures contemplated by his organization. In the course of their meeting, Mr. Sommaruga and Mr. Gharekhan noted that the respective responsibilities of the United Nations and ICRC concerning the deportees were separate and different. The mandate of the United Nations was set out in resolution 799 (1992), which demands the "safe and immediate return" of the deportees. The mandate of ICRC was based on humanitarian law and, in particular, the Fourth Geneva Convention, which explicitly opposes deportation. However, in the absence of the return of the deportees, ICRC had a responsibility to ensure that humanitarian assistance, such as relief and medical care, as well as family messages and powers of attorney, was made available to them as long as they were in their present location. Mr. Sommaruga expressed his organization's full support for the efforts of the Secretary-General.

15. Mr. Gharekhan returned to Israel on the evening of 19 January and left early on 22 January 1993. During his stay he met twice with Prime Minister Rabin and once with Minister for Foreign Affairs Peres. A new development since his previous visit was that the Israeli High Court of Justice had, on 17 January 1993, begun its consideration of the appeal which challenged the legality of the Government's action in "temporarily expelling" 415 Palestinians. As at the date of the present report, the Court hearings are continuing. The Prime Minister informed Mr. Gharekhan that he would not be in a position to act, or even to discuss alternative measures, until the Court gave its judgement. Mr. Gharekhan explained to his Israeli interlocutors that the Security Council had acted in the matter independently of the internal judicial processes of Israel. The Prime Minister expressed his understanding of this point, but again emphasized that he could take no action before the Court gave its judgement. He stated that he was prepared to resume discussions with Mr. Gharekhan after the Court had decided.

16. As during his previous visit, Mr. Gharekhan met with a group of Palestinians. The Palestinians expressed support for the efforts of the Secretary-General, and demanded the implementation without delay of resolution 799 (1992). They once again reiterated their position that they could not take part in the peace talks unless the issue of the deportees was resolved.

Observations

17. To recognize fully the gravity of the situation addressed in Security Council resolution 799 (1992), it is important to recall that the deportations carried out by the Government of Israel on 17 December 1992 are only the most recent in a series of violations by Israel of the Fourth Geneva Convention. The question of the safety and protection of Palestinian civilians under

Israeli occupation has repeatedly been addressed by the Security Council since December 1987. For this reason and in the light of requests conveyed by Palestinian leaders to me as well as to Mr. Jonah and Mr. Gharekhan during their missions to the region, I intend to initiate discussions with the Israeli authorities regarding the establishment of a United Nations monitoring mechanism in the occupied territories, as suggested in resolution 681 (1990). This should have the effect of reassuring Palestinians under Israeli occupation that the international community is not neglecting their need for safety and protection, a need which must be met regardless of progress in the peace talks.

18. As has been made clear by the above narrative, Israel continues to refuse to comply with resolution 799 (1992). This is all the more regrettable given that I have, in accordance with the mandate entrusted to me in paragraph 5 of that resolution, made persistent efforts to achieve a solution. I have sent three missions to the region and have personally spoken several times with Israeli Prime Minister Rabin and Minister for Foreign Affairs Peres. The refusal by Israel to ensure the safe and immediate return of deportees as demanded in resolution 799 (1992), in my view, challenges the authority of the Security Council. Additionally, there is a growing perception, throughout the international community, that the Council, by not pressing for Israeli compliance with its resolutions, of which resolution 799 (1992) is only the latest, does not attach equal importance to the implementation of all of its decisions. In these circumstances, I would be failing in my duty if I did not recommend to the Security Council that it should take whatever measures are required to ensure that its unanimous decision, as set out in resolution 799 (1992), is respected.

19. Having said that, I wish to point out that developments such as those that are the subject of the present report underscore the need to achieve a comprehensive, just and lasting peace in the Middle East. This objective has long been and will continue to be an important focus of United Nations efforts. The ongoing volatility of the situation in the occupied territories remains a matter of deep concern, and makes it all the more imperative that the international community should spare no effort in pursuit of a settlement. For my part, I remain committed to do everything possible to help in this endeavour.

Notes

1/ United Nations Treaty Series, vol. 75, No. 973.

2/ General Assembly resolution 217 A (III).